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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,827	01/05/2004	George Raymond Decell JR.	143-001	5441

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EXAMINER

HOGUE, GARY CHAPMAN

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/751,827	Applicant(s) DECELL, GEORGE RAYMOND	
	Examiner Gary C. Hoge	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

4

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 10-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 10-13, these claims appear to be intended to depend from the independent method claim 9, but they erroneously depend from apparatus claim 8 instead. For examination purposes, they are treated as if they depended from claim 9.

Regarding claim 14, there is no antecedent basis for "said mounting plate."

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Palka (5,092,062).

Palka discloses a method comprising the steps of (1) providing a plurality of card holders 17 in a publicly accessible location (column 1, lines 35-43); (2) placing stacks of business cards in the card holders, wherein each stack is accessible to members of the public, and wherein members of the public can add their own business cards to an empty card holder (members of the

Art Unit: 3611

public could do this either with the permission of the owner, or surreptitiously without such permission); (3) collecting a business card from a potential client (column 2, lines 53-59); and (4) contacting the potential client based on the information on the business card (which is the inherently-understood purpose of displaying the business card in the first place).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1-3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palka (5,092,062) in view of *DISPLAYS2GO*.

Palka discloses a display unit comprising a transparent mounting plate **12**, and a plurality of business card holders **17**, wherein horizontally adjacent business card holders **17** are spaced from each other. Palka further discloses providing a cardboard panel behind the transparent mounting plate (column 6, lines 28-32). However, it is not known whether the panel includes a graphic. *DISPLAYS2GO* teaches that it was known in the art to display an advertising graphic behind a transparent business card holder. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the transparent business card display unit disclosed by Palka with an advertising graphic mounted therebehind, as taught by *DISPLAYS2GO*, in order to convey additional information to the public.

Regarding claims 2 and 3, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the horizontal spacing between the business card

Art Unit: 3611

holders range from ½ inch to 2 inches (claim 2) and the vertical spacing between the business card holders range from ¾ inch to 1 ½ inch (claim 3), because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Regarding claim 7, see column 6, lines 19-22, of Palka.

Regarding claim 8, see column 6, lines 22-32, of Palka. The horizontal supporting surface constitutes a stand.

7. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palka (5,092,062) in view of *DISPLAYS2GO* as applied to claim 1 above, and further in view of Golovan (5,351,813).

Regarding claim 4, Palka discloses the invention substantially as claimed, as set forth above. However, the pockets are formed by punching tabs out of the transparent mounting plate. Golovan teaches that it was known in the art to provide such pockets by heat bonding a transparent pocket to a transparent mounting plate. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the pockets disclosed by Palka by heat bonding a transparent pocket directly to the transparent mounting plate, as taught by Golovan, in order to avoid perforating, and thereby weakening, the transparent mounting plate.

Regarding claim 5, Palka discloses the invention substantially as claimed, as set forth above. However, the pockets are formed by punching tabs out of the transparent mounting plate. Golovan teaches that it was known in the art to provide such pockets by adhesively attaching a transparent pocket to a transparent mounting plate. It would have been obvious to one having

Art Unit: 3611

ordinary skill in the art at the time the invention was made to make the pockets disclosed by Palka by adhesively attaching a transparent pocket directly to the transparent mounting plate, as taught by Golovan, in order to avoid perforating, and thereby weakening, the transparent mounting plate.

8. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palka (5,092,062) in view of *Mountainwest Manufacturing*.

Palka discloses the method substantially as claimed, as set forth above. However, Palka does not disclose inviting members of the public to add their business cards to an empty card holder. *Mountainwest Manufacturing* teaches that it was known in the art to invite members of the public to add their business cards to an empty card holder (see page 2, "LEAVE YOURS"). It would have been obvious to one having ordinary skill in the art at the time the invention was made to invite members of the public to leave their business cards in an empty card holder disclosed by Palka, as taught by *Mountainwest Manufacturing*, in order to give the public an opportunity to spread their business cards.

Regarding claim 11, it is inherently understood that members of the public would expect to be contacted if they add their business cards to an empty card holder, because that is the purpose of adding their cards to the holder in the first place. The offer to add their cards thus constitutes an inherent notification that they could be contacted by those who retrieve their cards.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Palka (5,092,062) in view of *Universal Advertising*.

Palka discloses the method substantially as claimed, as set forth above. However, Palka does not disclose charging clients to display their cards in the display unit. *Universal Advertising*

Art Unit: 3611

teaches that it was known in the art to charge clients to display their cards in a business card display unit. It would have been obvious to one having ordinary skill in the art at the time the invention was made to charge clients to display their cards in the display unit disclosed by Palka, as taught by *Universal Advertising*, in order to generate revenue for the owner of the display unit. The Examiner takes Official Notice of the fact that it is well known restock empty advertising displays. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to refill empty card holders with cards of a paying client, in order to offer those cards to more potential customers.

Conclusion

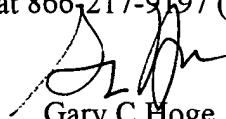
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Hoge whose telephone number is (571) 272-6645. The examiner can normally be reached on 5-4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gary C Hoge
Primary Examiner
Art Unit 3611

gch